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**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

**ALI SALEEM BEY and JOHN  
MUHAMMAD BEY,**

**Plaintiffs,**

**vs.**

**CITY OF OAKLAND, et al.,**

**Defendants**

**Case No.: 14-cv-01626-JSC**

**STIPULATION AND ~~PROPOSED~~ ORDER  
TO EXTEND TIME TO FILE  
OPPOSITIONS TO DEFENDANT'S  
MOTION FOR SUMMARY JUDGMENT**

In light of the Court's June 25, 2019 order, moving the date of the hearing on Defendant's Motion for Summary Judgment from July 25, 2019 to July 29, 2019, Plaintiffs humbly requests a 4-day extension of time to file their opposition to Defendants' Motions for Summary Judgment as authorized by Federal Rule of Civil Procedure 6 (b). Plaintiff requests this extension because the current due date of July 5, 2019 is one day after a federal holiday, the expansive nature of the evidence in this case, and additional administrative burden of having to file documents under seal. The parties met and conferred and Defendant agreed to stipulate to the requested extension.

**A. INTRODUCTION AND PROCEDURAL HISTORY**

On June 20, 2019, Defendants filed a Motion for Summary Judgment (DOC. 174). The Motion for Summary Judgment is voluminous, and seeks to dismiss each of Plaintiffs' 6 causes

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of action. The motion contains 3 declarations, exhibits with pages of deposition testimony and a 145-page Request for Judicial Notice.

Per Court Order and Local Rules, Plaintiffs' opposition to the motion is due by July 5, 2019. This day is one day after the July 4 federal holiday. While this is not a major concern for Plaintiffs' attorneys, many members of the attorneys' support staff will be out of the office for the federal holiday and the Friday following. Given the numerous documents involved in this case, many of which will need to be filed under seal, this poses a substantial logistical burden that can be overcome with the requested 4-day extension.

Plaintiffs are diligently working on the opposition to the motions, however, given that the summary judgment motion hearing has been moved by the court due to its own unavailability, Plaintiffs request an extension of four days to July 9, 2019 to file its opposition to the motion.

#### **B. LEGAL SUPPORT FOR EXTENSION**

A court may grant a request to extend time for good cause. Fed. R. Civ. P. 6(b)(1)(A); *see Jenkins v. Commonwealth Land Title Ins. Co.*, 95 F.3d 791, 795 (9<sup>th</sup> Cir. 1996). A court has the discretion to grant a motion for continuance as part of its inherent power to control its own docket to ensure that cases proceed before it in a timely and orderly manner. *See Chambers v. NASCO, Inc.*, 501 U.S. 32, 43-44 (1991).

As discussed above, the current date for Plaintiffs' response is July 5, 2019. This date is one day after the July 4 holiday. Many of Plaintiffs' attorneys' support staff will be unavailable on July 4, 2019 because it is a federal holiday and the Friday following. While these staff members will not be working on the substance of the opposition brief, they will have a role in compiling the supporting evidence. Additionally they will play a role in sorting evidence that must be filed under seal.

Plaintiffs request that the Court extend the deadline for filing an opposition to Defendant's motion for summary judgment from July 5, 2019 to July 9, 2019. Defendants' reply would be due on July 16, 2019 and the motion could still be heard by this Court on July 29, 2013. No party would be prejudiced by this extension. A four-day extension would not negatively impact the remaining case schedule.

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1 Plaintiffs' request to extend time is for good cause and is not intended to delay the  
2 proceeding. Defendants have filed a motion which if granted will deny Plaintiffs the opportunity  
3 to have their case determined by a jury.

4 Defendants will not be prejudiced by a 4-day delay in the Plaintiff's response to the  
5 motion. Plaintiffs have filed this stipulation well in advance of the current July 5, 2019 due date  
6 for the opposition motions.

7 **C. STIPULATION**

8 Based on the foregoing reasons the parties hereby stipulate to enlarge time for Plaintiffs  
9 to file their opposition to Defendants Motion for Summary Judgment. Pursuant to Court  
10 approval Plaintiffs' Opposition will be due on July 9, 2019 and Defendant's Reply Brief will be  
11 due on July 16, 2019.

12  
13 **IT IS SO STIPULATED.**

14  
15 Dated: June 27, 2019

**RESPECTFULLY SUBMITTED,  
LAW OFFICES OF BONNER & BONNER**

17 By: /S/ A. Cabral Bonner\*

18 A. Cabral Bonner

19 Attorney for Plaintiff

20 **\*I hereby attest that I have obtained the  
21 concurrence in the filing of this document for all  
22 signatories indicated by a conformed signature  
(/S/).**

23 Dated: June 27, 2019

**BARBARA J. PARKER, City Attorney  
SELIA WARREN, Deputy City Attorney**

25 By: /S/ Selia Warren

26 Selia Warren

27 Attorney for Defendant  
28

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**~~[PROPOSED]~~ ORDER**

After reviewing Plaintiffs' stipulation to extend time to respond to Defendants' motion for summary judgment and good cause showing,

**IT IS SO ORDERED.**

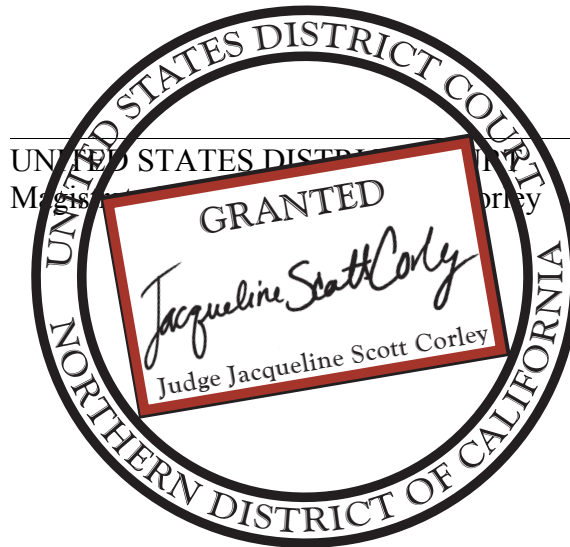
Plaintiffs' Oppositions to Defendants' Summary Judgment Motion is now due on July 9, 2019 or \_\_\_\_\_, 2019.

Defendant's reply brief is due on July 16, 2019 or \_\_\_\_\_, 2019.

Hearing date remains as ordered by this Court on ~~June 25, 2019 (ECF 179)~~ July 29, 2019 at 10:00 a.m.

DATED: June 28, 2019

By: \_\_\_\_\_



**PROPOSED ORDER ON PLAINTIFFS' EX PARTE APPLICATION TO EXTEND TIME TO FILE  
OPPOSITIONS TO DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

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